



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016778/0431

217
D/C
03/19/03

Applicant: Masaaki OKADA

Title: LAN PATH CONTROL SYSTEM CAPABLE OF EASILY
CHANGING ACTIVE PORT OF TERMINAL

Serial No.: 09/83⁸³~~33~~,228

Filed: June 19, 2001

Examiner: Unknown

Art Unit: 2661

RECEIVED

MAR 11 2003

Technology Center 2600

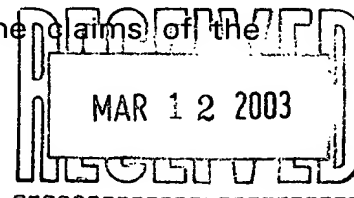
**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.



TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A2 - A6 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Item of information A1 is a U.S. patent that is a counterpart to item of information A4 (which is a laid-open Japanese patent application).

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued December 10, 2002 with respect to a counterpart Japanese patent application is provided below.

"The invention related to the following claims of the application cannot receive a patent according to the stipulations of Article 29, Section 2 of the Patent Law because it could have easily been invented prior to the application by a person possessing common knowledge in the field to which the invention belongs based on the following publications that had been distributed in Japan or abroad prior to the application.

Note

(For a list of the cited literature, see the List of Cited Literature.)

(Claims 1–6)

Figure 4 of Cited Example 1 shows a system that is a call path control system applied to a communications network consisting of a LAN and multiple devices that have at least primary and secondary LAN controllers (11, 12)—each of which has unique primary and secondary MAC addresses assigned to it—that naturally know their own addresses, but also inform each other of their addresses by sending the addresses to each other when communications begin and, in addition, notify auxiliary switch partners of their addresses in the event of a failure (the part corresponding to Cited Example 1 appears in parentheses).

A comparison of the invention of this application and the invention described in Cited Example 1 shows that they differ in that the invention of this application configures the LAN with the HUB.

However, configuring the LAN with the HUB is a well known configuration as can be seen in Cited Examples 2 and 3.

When testing a connection between two terminal ports, confirming with a signal sent to another port as found in Claim 2 is a well known means, as can be seen from (0036) in Cited Example 4.

Regarding Claim 4, refer to Figure 3–2 of Cited Example 2 and Cited Example 3.

The point found in Claim 5 is a common practice for detecting overlapping addresses, as seen in Cited Example 5.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H10-320327
2. Huang J, Song S, Li L, Kappler P, Freimark R, Gustin J, Kozlik T, "An Open Solution to Fault-Tolerant Ethernet: Design, Prototyping, and Evaluation", IEEE INTERNATIONAL PERFORMANCE, COMPUTING AND COMMUNICATIONS CONFERENCE IPCCC '99, 10–12 FEB 1999, pages 461–468.

3. Japanese Unexamined Patent Application Publication H11-168488
4. Japanese Unexamined Patent Application Publication H9-102783
5. Japanese Unexamined Patent Application Publication S61-295738

Record of Prior Art Literature Search Results
Fields searched - IPC 7th Edition - H04L 12/28-46

Prior art literature

Japanese Unexamined Patent Application Publication H11-205356

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicants' representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

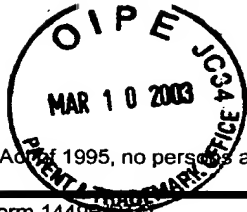
Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

10 March, 2003
Date

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: March 10, 2003 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/883,228
				Filing Date	06/19/2001
				First Named Inventor	Masaaki OKADA
				Group Art Unit	2661
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	016778-0431

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,343,080		KONDO	01/29/2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A2	JP	61-295738		12/26/1986			X
	A3	JP	9-102783		04/15/1997			X
	A4	JP	11-168488		06/22/1999			X
	A5	JP	11-205356		07/30/1999			X

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A6	Article – An Open Solution to Fault-Tolerant Ethernet: Design, Prototyping, and Evaluation" – J. Huang, et al. – pages 461-469 (1999)	
RECEIVED			
MAR 11 2003			
Technology Center 2600			

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.